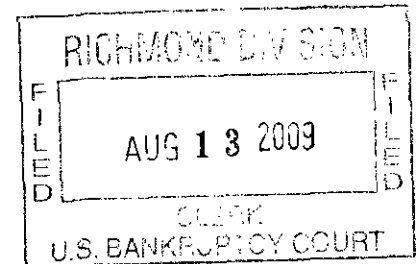


UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION



DEVELOPERS DIVERSIFIED REALTY  
CORPORATION, et al.,

Appellants,

v.

CIRCUIT CITY STORES, INC., et al.,  
Debtors-in-Possession

Appellees.

No. 3:09-CV-123-HEH

BRIGHTON COMMERCIAL, L.L.C., et al.,

Appellants,

v.

CIRCUIT CITY STORES, INC., et al.,  
Debtors-in-Possession

Appellees.

No. 3:09-CV-286-HEH

A TRUE COPY, TESTE:  
CLERK, U.S. DISTRICT COURT

BY C McCracken  
DEPUTY CLERK

**AGREED ORDER GRANTING MOTION TO  
DISMISS BANKRUPTCY APPEAL AS MOOT**

WHEREAS on June 29, 2009, Circuit City Stores, Inc. and its affiliated appellees (the "Appellees") filed their Motion to Dismiss Bankruptcy Appeal as Moot (the "Motion")<sup>1</sup>; and

WHEREAS, the Appellees and appellants in the bankruptcy appeal styled Port Arthur Holdings III, LTD v. Circuit City Stores, Inc., Case No. 09-232 (the "Port Arthur Appeal"), the appellants in the bankruptcy appeal styled 502-12 86th Street LLC, et al. v. Circuit City Stores, Inc., et al., Case No. 09-190 (the "502-12 Appeal"), and appellants (collectively, the

<sup>1</sup> Capitalized terms not otherwise defined herein shall have the meanings ascribed to them in the Motion.

"Appellants") in the above-captioned consolidated bankruptcy appeal (the "Appeal") hereby agree to the relief sought in the Motion.

1. The Appeal is dismissed as moot.

2. This Order shall be dispositive, to the extent applicable, to the issues raised in the Port Arthur Appeal and the 502-12 Appeal pursuant to the Agreed Order Granting Motion to Consolidate Appeals, Establish Briefing Schedule, and Stay Appeals entered in the Appeal on May 11, 2009.

Signed:  /s/ \_\_\_\_\_

Entered: Aug. 10, 2009

United States District Court for  
The Eastern District of Virginia,  
Richmond Division

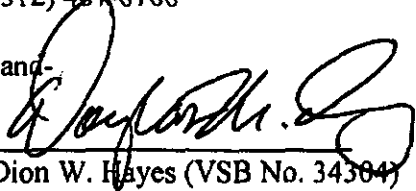
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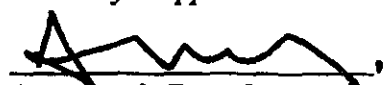
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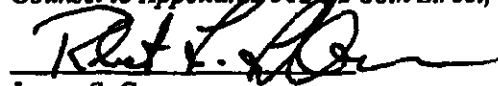
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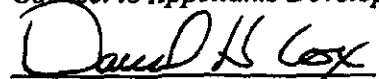
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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
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DEVELOPERS DIVERSIFIED REALTY  
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Appellees.

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Appellees.

No. 3:09-CV-286-HEH

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Signed:  /s/ \_\_\_\_\_

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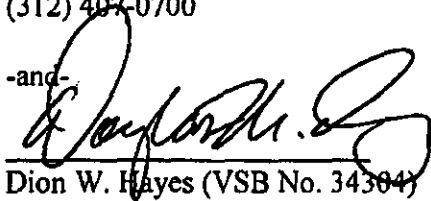
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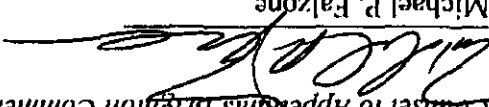
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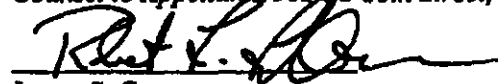
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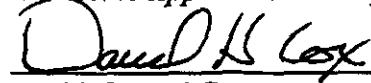
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